

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN YAN LUIS,

Plaintiff,

-against-

PACIFIC DISTRIBUTORS, LLC,

Defendant.

23-cv-9037 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On March 13, 2024, after Plaintiff missed the Court's initial deadline to file for default judgment, the Court set a new deadline for March 18 and told Plaintiff that his claims would be dismissed if he missed that deadline. Dkt. 19. Plaintiff has met the deadline, but the motion is noncompliant in several respects. First, it lacks a proposed form of default judgment. Local R. 55.2(b)(3). Second, it lacks copies of the operative pleadings and the affidavit of service of the summons and complaint. Local R. 55.2(b)(2); Individual Pracs. ¶ 8(L)(v)–(vi). Third, it has *no* attorney affidavit. Individual Pracs. ¶ 8(L)(ii). It has an affidavit from Plaintiff, but even that doesn't contain all the necessary information. The affidavit doesn't address the method and date of service, legal authority for why such service was proper, or legal authority for why an inquest into damages would be unnecessary. *Id.* Indeed, none of the submitted materials cites any legal authority at all. Plus, Plaintiff has submitted a request for damages but has not explained how he calculated compensatory damages. Nor is there any legal authority to support the substantial request for attorney's fees in this months-dormant, boilerplate case.

Plaintiff shall rectify these issues by March 20, 2024, at 5:00 p.m., or this case will be dismissed for failure to prosecute and failure to follow court orders.

SO ORDERED.

Dated: March 18, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge